

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAM SHAW et al.

Plaintiffs,

-against-

96 Civ. 4259 (JGK)

RIZZOLI INTERNATIONAL
PUBLICATIONS, INC., et al.

Defendants.

RIZZOLI INTERNATIONAL PUBLICATIONS,
INC. et al.

Third-Party Plaintiffs,

-against-

VALPA, SRL

Third-Party Defendant.

**SUMMARY OF PLAINTIFFS' CLAIMS TO BE DISMISSED
ON RIZZOLI DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AND IN RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

For the court's convenience, the Rizzoli defendants have prepared the within chart which sets forth the names of the plaintiffs, the pages on which his or her photographic images appear, and each argument for dismissal of infringement claims with regard to each such photographic image or text.

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Name of Claimant	Rizzoli Cat. P. #	Public Domain	Not Owner	Summary Damages	False Regis.	No Regis.	Consent
Kelley Studios	65	x		no	x	x	
Kelley Studios	66	x		no	x	x	
Kelley Studios	67	x		no	x	x	
Kelley Studios	68	x		no	x	x	
Kelley Studios	76	x		no	x	x	
Kelley Studios	116	x		no	x	x	
Kelley Studios	247	x		no	x	x	
Kelley Studios	310	x		no	x	x	
George Harris	278		x				x
George Harris	279	x		no	x	x	x
George Harris	280 ten photos						x
George Harris	282-83	x		no	x	x	x
George Harris	285						x
Greene LLC	side page and 167	x	x	no	x	x	
Greene LLC	92	x	x	no	x	x	
Greene LLC	108	x	x	no	x	x	
Greene LLC	108-9 ten photos	x	x	no	x	x	
Greene LLC	167	x	x	no	x	x	
Greene LLC	168	x	x	no	x	x	
Greene LLC	171	x	x	no	x	x	
Greene LLC	182	x	x	no	x	x	
Greene LLC	187	x	x	no	x	x	
Greene LLC	262		x	no			
Greene LLC	263		x	no			
Greene LLC	264		x	no			
Greene LLC	265		x	no			
Greene LLC	266		x	no			
Greene LLC	267		x	no			
Greene LLC	268		x	no			
Greene LLC	269		x	no			
Greene LLC	270-71		x	no			
Serris/ Travilla	294		x	no		x	x

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Name of Claimant	Rizzoli Cat. P. #	Public Domain	Not Owner	Summary Damages	False Reps.	No Reps.	Comment
Serra/ Travilla	294 six sketches		X	NO		X	X
Serra/ Travilla	296 six photos		X	NO		X	X
Sam Shaw	146 three photos	X		NO	X	X	
Sam Shaw	147 six photos	X		NO	X	X	
Sam Shaw	148	X		NO	X	X	
Sam Shaw	149	X		NO	X	X	
Sam Shaw	162			NO	X	X	
Sam Shaw	184 three photos	X		NO	X	X	
Sam Shaw	248			NO	X	X	
DeDionis	inside cover			NO	X	X	
DeDionis	25 two photos	X		NO	X	X	
DeDionis	26 three photos	X		NO	X	X	
DeDionis	28	X		NO	X	X	
DeDionis	76	X		NO	X	X	
DeDionis	107 eight photos	X		NO	X	X	
DeDionis	112	X		NO	X	X	
DeDionis	113	X		NO	X	X	
DeDionis	118 two photos	X		NO	X	X	
DeDionis	244	X		NO	X	X	
Bert Stern	216 sixteen photos	X		NO	X	X	
Bert Stern	219			NO	X	X	
Roy Schen	159 nin photos	X		NO	X	X	
Phil Stern	196	X		NO	X	X	

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Name of Claimant	Rizzoli Cat. P. #	Public Domain	Not Owner	Statutory Damages	False Reps.	No Reps.	Consent
Queen Editions	25	x		no		x	
Queen Editions	26 two photos	x		no		x	
Queen Editions	27 two images	x		no		x	
Queen Editions	28	x		no		x	
Queen Editions	30	x		no		x	
Queen Editions	31	x		no		x	
Queen Editions	33 two photos	x		no		x	
Queen Editions	35	x		no		x	
Queen Editions	37	x		no		x	
Queen Editions	47	x		no		x	
Queen Editions	57	x		no		x	
Queen Editions	128 two photos	x		no		x	
Queen Editions	171	x		no		x	
Queen Editions	207	x		no		x	
Mickey Pederson Mickey Song	223			no		x	x
Mickey Pederson Mickey Song	310			no		x	x
Henri Dausman	198	x		no	x	x	
Henri Dausman	199	x		no	x	x	
Patricia Fox	text			no			x
Carl Rollyson	text			no			x
Sam Shaw	text			no			x
Villard	text			no			x
Welch	text			no			x

In addition to the foregoing, the following claims of the plaintiffs should be dismissed: (1) all trademark and trademark dilution claims of all plaintiffs; (2) all Visual Artist Right's Act claims of all plaintiffs; (3) the New York Civil Rights Law claims of Shaw and Barris; (4) all state law claims of unfair competition, unjust


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enrichment, tortious misappropriation of goodwill and unfair trade practices of all plaintiffs; and (5) all claims of all plaintiffs allegedly arising under foreign law.

Respectfully Submitted,

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